

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

**Proposing rule making related to licensure of massage therapists
and providing an opportunity for public comment**

The Board of Massage Therapy hereby proposes to rescind Chapter 131, “Licensure of Massage Therapists,” Iowa Administrative Code, and to adopt a new Chapter 131 with the same title.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapters 17A, 147 and 152C.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapters 17A, 147, 152C, 232 and 272C.

Purpose and Summary

Iowa Code section 17A.7 requires each state agency to conduct a comprehensive review of all of the agency’s rules with the goal of identifying and eliminating all of the rules that are outdated, redundant, or inconsistent or incompatible with statute or its own rules. Pursuant to the requirement for this regular review, the Board reviewed Chapter 131, which sets forth the basic requirements to obtain, renew, reactivate, and reinstate a license.

The Board has made several changes intended to make the proposed rules more concise and easier to understand, as well as to incorporate current practices of the Board regarding schools that have been sanctioned by the National Certification Board for Therapeutic Massage and Bodywork for illegitimate operations. Provisions that were inconsistent with the requirements of Iowa Code chapter 152 are updated in the new Chapter 131 to expressly bring them in line with statutory language, namely requiring 600 hours of education and including “equal to or exceed” reciprocity language. Finally, requirements to obtain a temporary license are reduced in the new chapter to allow an individual whose out-of-state license did not require passing an examination to obtain a temporary license while the individual completes any remaining requirements and takes the examination, as opposed to having to pass the examination prior to obtaining a temporary license. Prior to publication of this Notice, the Board solicited feedback from stakeholders on the proposed rules and received no comments.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

The Board does not anticipate a negative impact on jobs; reducing the requirements to allow individuals with out-of-state licenses to obtain a temporary license more quickly may have a positive impact on jobs.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 12, 2022. Comments should be directed to:

Janelle Larson
Professional Licensure Division
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.281.4401
Fax: 515.281.3121
Email: janelle.larson@idph.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

April 12, 2022
9 to 9:30 a.m.

Fifth Floor Conference Room 526
Lucas State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at the hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Rescind 645—Chapter 131 and adopt the following **new** chapter in lieu thereof:

CHAPTER 131
LICENSURE OF MASSAGE THERAPISTS

645—131.1(152C) Definitions. For purposes of these rules, the following definitions shall apply:

“*Anniversary month*” means the month the license was issued by the board.

“*Board*” means the Iowa board of massage therapy.

“*Board-approved school*” means a school for massage therapy education that provides at least 600 hours of supervised academic instruction; has been recognized as legitimate by the board or by a similar board in another jurisdiction that licenses massage therapists; and has not been denied, suspended, or revoked by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

“*Grace period*” means the 30-day period following expiration of a license when the license is still considered to be active.

“*Issuing jurisdiction*” means the duly constituted authority in another state that has issued a massage therapy license to a person.

“*Licensee*” means any person licensed to practice as a massage therapist in the state of Iowa.

“*License expiration date*” means the fifteenth day of the anniversary month every two years.

“*Massage therapy*” means performance for compensation of massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical applications, or other therapy which involves manipulation of the muscle and connective tissue of the body, excluding osseous tissue, to treat the muscle tonus system for the purpose of enhancing health, providing muscle relaxation, increasing range of motion, reducing stress, relieving pain, or improving circulation.

645—131.2(272C) Licensure by examination. A person who has completed the curriculum at a board-approved school may seek licensure in accordance with this rule.

131.2(1) The applicant shall submit the following:

- a. A completed application packet.
- b. Payment of the applicable fees as provided in rule 645—5.8(147).
- c. Official copies of academic transcripts sent directly to the board by the board-approved school.

If a school has closed and is no longer operational, the board will accept an official transcript provided by the applicant.

d. Proof of passing any National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination or the Massage and Bodywork Licensing Examination (MBLE_x) sent directly from the testing authority to the board. The passing score on the written examination shall be the passing point criterion established by the testing authority at the time the test was administered.

e. If the applicant has been issued one or more licenses to practice massage therapy by other issuing jurisdictions, verification of licenses from every jurisdiction in which the applicant has been licensed, sent directly from the issuing jurisdictions to the board. Web-based verification may be substituted for verification from the jurisdiction’s board office if the verification provides:

- (1) The licensee’s name;
- (2) The date of initial licensure;
- (3) The applicant’s current licensure status; and
- (4) Any disciplinary action taken against the license.

131.2(2) An applicant who has relocated to Iowa from a state that did not require licensure to practice massage therapy may submit proof of work experience in lieu of educational and training requirements, if eligible, in accordance with rule 645—19.2(272C).

645—131.3(152C) Educational qualifications for foreign-trained massage therapists. Prospective applicants who completed their education outside of the United States may receive credit for their education, provided they comply with the following:

131.3(1) Provide an equivalency evaluation of their educational credentials by one of the following entities demonstrating the curriculum is equivalent to that stated in these rules. The applicant bears the expense of the curriculum evaluation.

a. International Educational Research Foundations, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, CA 90231-3665; telephone (310)258-9451; website www.ierf.org.

b. International Credentialing Associates, Inc., 7245 Bryan Dairy Road, Bryan Dairy Business Park II, Largo, FL 33777; telephone (727)549-8555.

c. Josef Silny & Associates, Inc., 7101 SW 102nd Avenue, Miami, FL 33173; telephone (305)273-1616; website jsilny.org.

131.3(2) Provide a notarized copy of the certificate or diploma awarded to the applicant from a massage therapy program in the country in which the applicant was educated.

131.3(3) Receive a final determination from the board that the applicant’s education is acceptable.

645—131.4(152C) Licensure by endorsement.

131.4(1) A person who has been issued a license to practice massage therapy by another issuing jurisdiction may seek licensure in accordance with this rule.

131.4(2) The applicant shall submit all of the following:

- a. A completed application packet.
- b. Payment of the applicable fees as provided in rule 645—5.8(147).
- c. Official copies of academic transcripts sent directly to the board by the board-approved school.

If a school has closed and is no longer operational, the board will accept an official transcript provided by the applicant.

d. Proof of passing any National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination or the Massage and Bodywork Licensing Examination (MBLEx) sent directly from the testing authority to the board. The passing score on the written examination shall be the passing point criterion established by the testing authority at the time the test was administered.

e. Proof that the licensure requirements in the issuing jurisdiction are equal to or exceed the requirements provided in rule 645—131.2(152C).

f. Verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the issuing jurisdiction(s) to the board. Web-based verification may be substituted for verification from the issuing jurisdiction's board office if the verification provides:

- (1) The licensee's name;
- (2) The date of initial licensure;
- (3) The applicant's current licensure status; and
- (4) Any disciplinary action taken against the license.

645—131.5(152C) Licensure by verification. A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

645—131.6(152C) Temporary license. A person who is licensed to practice massage therapy in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement, and who does not seek licensure by verification, may be issued a temporary license in accordance with this rule.

131.6(1) An applicant for temporary license shall submit the following:

- a. A completed application packet.
- b. Payment of the applicable fees as provided in rule 645—5.8(147).
- c. Verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the issuing jurisdiction(s) to the board. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification provides:

(1) Licensee's name;

(2) Date of initial licensure;

(3) Current licensure status; and

(4) Any disciplinary action taken against the license.

d. A plan for meeting all remaining requirements for licensure within one year of issuance of the temporary permit. Such a plan shall include proof of enrollment in a school of massage therapy whose curriculum has been approved by the board, the date of enrollment, and the expected date of graduation.

131.6(2) A temporary license shall be valid for a period of up to one year and shall not be renewed.

131.6(3) A temporary license holder shall be issued a permanent license upon the board's receipt of the following:

a. Official copies of academic transcripts sent directly to the board by the board-approved school demonstrating completion of all remaining hours of education required for licensure.

b. Proof of passing any National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination or the Massage and Bodywork Licensing Examination (MBLEx) sent directly from the testing authority to the board. The passing score on the written examination shall be the passing point criterion established by the testing authority at the time the test was administered.

645—131.7(152C) License display. Licensees shall display their initial license certificate and proof of active licensure in a conspicuous public place at their primary site of practice.

645—131.8(152C) License renewal.

131.8(1) *Renewal period.* The biennial license renewal period for a license to practice massage therapy shall begin on the sixteenth day of the anniversary month and end on the fifteenth day of the anniversary month two years later. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

131.8(2) *First renewal.* Completing continuing education is not required during the first biennial license renewal period and is not a prerequisite for the first renewal of a license.

131.8(3) *Requirements for renewal.* A licensee seeking renewal shall comply with the following before the license expiration date:

- a. Submit a completed renewal application;
- b. Meet the continuing education requirements of rule 645—133.2(152C) and the mandatory reporting requirements of subrule 131.8(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and
- c. Pay the applicable fee as provided in rule 645—5.8(147).

131.8(4) *Mandatory reporter training.*

a. A licensee shall indicate on the renewal application completion of training in child abuse identification and reporting, as required by Iowa Code section 232.69(3) “b,” in the previous three years if:

- (1) In the scope of professional practice or in the licensee’s professional employment responsibilities, the licensee examines, attends, counsels, or treats a child; and
- (2) The licensee is employed in any of the following settings:
 1. A residential care facility;
 2. A nursing facility;
 3. An intermediate care facility for persons with mental illness;
 4. An intermediate care facility for persons with an intellectual disability;
 5. A school;
 6. A child care center, registered child development home, or head start program;
 7. A substance abuse program or facility licensed by the Iowa department of public health;
 8. The Glenwood state resource center, Woodward state resource center, mental health institute in Cherokee, mental health institute in Independence, state training school, or Iowa juvenile home;
 9. A juvenile detention center or juvenile shelter care facility;
 10. A foster care facility; or
 11. A mental health center.

b. A licensee shall indicate on the renewal application completion of training in dependent adult abuse identification and reporting, as required by Iowa Code section 235B.16(5) “b,” in the previous three years if:

- (1) In the course of employment, the licensee examines, attends, counsels, or treats a dependent adult; and
- (2) The licensee is employed in any of the following settings:
 1. A residential care facility;
 2. A nursing facility;
 3. An intermediate care facility for persons with mental illness;
 4. An intermediate care facility for persons with an intellectual disability;
 5. A hospital;
 6. An elder group home, as defined in Iowa Code section 231B.1(3);
 7. An assisted living program certified under Iowa Code section 231C.3;
 8. An adult day services program, as defined in Iowa Code section 231D.1(1);
 9. A community mental health center; or
 10. A supported community living service, sheltered workshop, or work activity center.
- c. The course(s) shall be the curriculum provided by the Iowa department of human services.

d. The licensee shall maintain written documentation for three years after mandatory training as identified in paragraphs 131.8(4)“a” to “c,” including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

- (1) Is engaged in active duty in the military of this state or the United States; or
- (2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in rule 645—4.14(272C).

f. The board may select licensees for audit of compliance with the requirements in paragraphs 131.8(4)“a” to “e.”

131.8(5) Issuing renewals. Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license renewal. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

131.8(6) Late renewal. The license shall become late when the license has not been renewed by the expiration date on the renewal. The licensee shall be assessed a late fee as specified in 645—subrule 5.8(4). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

131.8(7) Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a massage therapist in Iowa until the license is reactivated. A licensee who practices as a massage therapist in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

645—131.9(17A,147,272C) License reactivation.

131.9(1) A person whose license is inactive may apply to reactivate the license in accordance with this rule.

131.9(2) The licensee shall submit all of the following:

- a. A completed application packet.
- b. Payment of the applicable fees as provided in rule 645—5.8(147).
- c. If the license has been inactive for five years or less, submission of:
 - (1) Proof of completion of 16 hours of continuing education within two years of application; and
 - (2) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:
 1. Licensee’s name;
 2. Date of initial licensure;
 3. Current licensure status; and
 4. Any disciplinary action taken against the license.
- d. If the license has been on inactive status for more than five years, submission of:
 - (1) Proof of completion of 16 hours of continuing education within two years of application;
 - (2) Proof of two years of active, licensed practice in another issuing jurisdiction immediately prior to submitting the application, or proof of passing one of the following examinations within two years of submitting the application:
 1. The National Certification Examination for Therapeutic Massage (NCETM);
 2. The National Certification Examination for Therapeutic Massage and Bodywork (NCETMB);
 3. The National Examination for States Licensing (NESL) option; or

4. The Massage and Bodywork Licensing Examination (MBLEx); and
- (3) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:
 1. Licensee's name;
 2. Date of initial licensure;
 3. Current licensure status; and
 4. Any disciplinary action taken against the license.

645—131.10(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with rule 645—11.31(272C) and, if applicable, must apply for and be granted reactivation of the license in accordance with rule 645—131.9(17A,147,272C) prior to practicing as a massage therapist in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 152C, and 272C.